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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,920	08/16/2000	Kiyohiko Yamazaki	OKI 259	3135

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WASHINGTON, DC 20005

EXAMINER

KUMAR, PANKAJ

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application

09/638,920

Applicant(s)

YAMAZAKI, KIYOHICO

Examiner

Pankaj Kumar

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-20 is/are allowed.
- 6) ☒ Claim(s) 1 and 6-13 is/are rejected.
- 7) ☒ Claim(s) 2-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. As per the data demodulator in Tobita, it is shown in fig. 1 immediately below the data modulator. There was a typo in the prior office action in referring to the data demodulator. The data demodulator is element 59 in Tobita instead of 55.
2. Applicant argues that synchronization is claimed and clock has been pointed to in the office action and thus synchronization is not pointed to in the office action. This is not persuasive since clock is what provides synchronization.
3. Applicant argues about analogous art. Although Tobita is analogous art, as shown by the elements Tobita teaches, any arguments about analogous art are currently moot since a 102 rejection does not require art to be analogous. Analogous art requirement is for a 103 rejection.
4. Applicant's burst limitation will be examined in this action.
5. Applicant argues that a pulse generator is not shown in Tobita since Tobita's showing of data and address information are not pulses. This is not persuasive since data and address information are all pulses and hence, components in Tobita that generate data or address information are pulse generators.

Response to Amendment

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 6, 9, 10, 11, 12 are rejected under 35 U.S.C. 102(e) as being anticipated by

Barany 4802214.

8. As per claim 1, Barany teaches a receiving circuit comprising: a demodulator circuit

~~which demodulates the received~~ demodulating a radio signal (Barany fig. 1: 11) that includes a

burst signal (Barany: when the system starts, it will go from having no data to having data and

thus this is also a burst) and ~~outputs~~ outputting the demodulated data therefrom; a detector which

detects a synchronizing pattern (Barany fig. 1: SYNC, 17, 19) included in the demodulated data

and outputs an instruction signal for providing instructions for ~~the~~ a result of the detection

(Barany fig. 1: output of 17, 19); a pulse generator (Barany fig. 1: 41) capable of receiving the

instruction signal and outputting a pulse signal (Barany fig. 1: output of 41) each time a

predetermined time elapses since the reception of the instruction signal (Barany paragraph 17:

“The vertical interval detector includes a pulse generator 41 which emits a pulse whenever

horizontal synchronizing pulses disappear from the output of horizontal synchronizing signal

detector 19”); a control circuit (Barany fig. 1: 43) which outputs control signals corresponding to

at least either one of the instruction signal and the pulse signal (Barany fig. 1: output of 41); and

a clock generator which generates a clock signal for storing and outputting desired data included

in the demodulated data in response to the control signal (Barany abstract: “generating timing

pulses in the form of other whiter-than-white pulses in the scrambled television signal”

;paragraph 10: “Monostable multivibrator 33 acts as a whiter-than-white pulse generator as its

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output is applied through NOR gate 35 to a terminal B which is another input to switchable attenuator 42.”).

9. As per claim 6, Barany teaches a radio signal receiving circuit comprising: a demodulator circuit demodulating a burst signal that is included in a radio signal received by the demodulator circuit, the demodulator circuit outputting demodulated data; a detector detecting a synchronizing pattern signal from the demodulated data received thereto; a pulse generator generating a pulse signal in response to the synchronizing pattern signal (Barany fig. 1: 41 with 43); a control circuit generating a control signal in response to the synchronizing pattern signal and the pulse signal (Barany fig. 1: 45); a clock generator outputting a clock signal in response to the control signal; and a storing circuit storing and outputting the demodulated data in response to the clock signal (remainder discussed above in Barany).

10. As per claim 9, Barany teaches a radio signal receiving circuit according to claim 6, wherein the pulse generator includes a counter (Barany fig. 1: 43).

11. As per claim 10, Barany teaches a radio signal receiving circuit according to claim 6, wherein the pulse generator (Barany fig. 1: 41 with 43) generates the pulse signal when either one of the synchronizing pattern signal (Barany fig. 1: SYNC, 17, 19) or the pulse signal is activated.

12. As per claim 11, Barany teaches a radio signal receiving circuit according to claim 6, wherein the clock signal includes a first clock signal and a second clock signal (Barany abstract: “generating timing pulses in the form of other whiter-than-white pulses in the scrambled television signal” ;paragraph 10: “Monostable multivibrator 33 acts as a whiter-than-white pulse generator as its output is applied through NOR gate 35 to a terminal B which is another input to

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switchable attenuator 42.”; inherent for it to operate repeatedly and generate multiple clock signals).

13. As per claim 12, Barany teaches a radio signal receiving circuit according to claim 6, wherein the pulse generator outputs the pulse signal at a timing after a predetermined time has passed from receiving the synchronizing pattern signal (Barany paragraph 17: “The vertical interval detector includes a pulse generator 41 which emits a pulse whenever horizontal synchronizing pulses disappear from the output of horizontal synchronizing signal detector 19”).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barany in view of Suzuki 6522665.

16. As per claim 7, Barany teaches a radio signal receiving circuit according to claim 6. What Barany does not teach is wherein the burst signal includes a preamble, a unique word, an error detection bit and data. What Suzuki teaches is wherein the burst signal includes a preamble, a unique word, an error detection bit and data (Suzuki fig. 5: frame length, unique word, CRC, information data). It would have been obvious to one skilled in the art at the time of the invention to modify Barany so that data can be transmitted in frames as Suzuki teaches. One would be motivated to do so for efficiency.

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17. As per claim 8, Barany in view of Suzuki teaches a radio signal receiving circuit according to claim 7. Suzuki also teaches wherein the unique word corresponds to the synchronizing pattern signal (Suzuki: synchronization throughout starting from col. 1).

18. Claims 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barany.

As per claim 13, Barany teaches a radio signal receiving circuit according to claim 12. What Barany does not teach is wherein the predetermined time is about 5 microseconds. It would have been obvious to one skilled in the art at the time of the invention to modify Barany to teach the predetermined time is about 5 microseconds since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Allowable Subject Matter

19. Claims 2, 3, 4, 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

20. Claims 14 to 20 are allowed.

21. The following is a statement of reasons for the indication of allowable subject matter for claims 14-20: The art of record does not suggest the respective claim combinations together and nor would the respective claim combinations be obvious with: **and a storing circuit connected to the demodulator and the clock generator, the storing circuit storing and outputting the demodulated data in response to the clock signal**

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

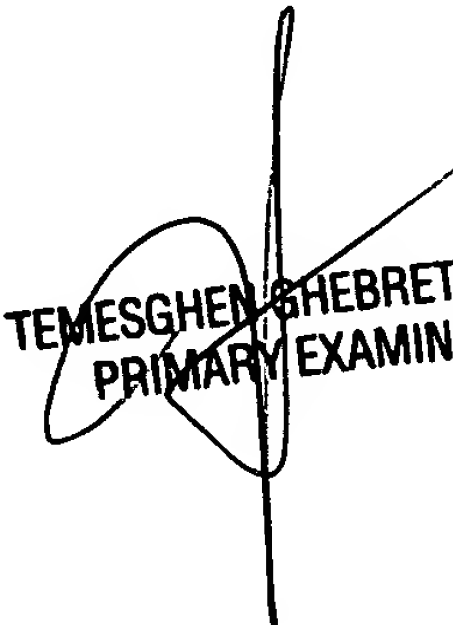
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pankaj Kumar whose telephone number is (703) 305-0194. The examiner can normally be reached on Mon, Tues, Wed and Thurs after 8AM to after 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on (703) 306-3034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PK


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PRIMARY EXAMINER